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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,660	05/25/2001	Igor Davidovich Kushnirskiy	0007056-0213/P6298NP/ARG/	4544

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EXAMINER

ZHEN, LI B

ART UNIT PAPER NUMBER

2194

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,660

Applicant(s)

KUSHNIRSKIY, IGOR  
DAVIDOVICH

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,6,8,10,11,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,10,11,13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Currently amended claims 1, 6 and 11 recite the new limitations "said proxy object translating said method call from said intermediary protocol to a second protocol" and "said proxy object issuing said method call to a method using said second protocol" [claim 1, lines 7 – 9; claim 6, line 5 – 7; claim 11, lines 9 – 12]. There does not appear to be a written description of the claimed limitations in the application as filed. In the response dated June 3, 2005, applicant point to p. 6, lines 18-24 and Fig. 1 of the specification for support [p. 6, lines 7 – 9 of applicant's response]. The specification discloses translating the method call from intermediary protocol to a second protocol [step 130, Fig. 1] but the specification is silent as to which component performs the translating. The specification does not appear to teach a proxy object that translates a

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method call from a first protocol to an intermediary protocol and then, using the same protocol, translate the method call from the intermediary protocol to a second protocol. At best, each proxy object translates a method call from a first protocol to an intermediary protocol and translates data from an intermediary protocol to a first protocol [p. 7, lines 5 – 13]. In addition, p. 6 of the specification discloses issuing a method call to a method using the second protocol [step 140, Fig. 1] and does not specify which component issues the method call. However, the specification on p. 9, lines 9 – 10 discloses a stub calls the implementation of the method at the callee and the method is executed [see also Fig. 4]; therefore, according to the specification as best understood by the examiner, the stub, not the proxy object, issues a method call to a method using the second protocol. Applicant fails to disclose “said proxy object translating said method call from said intermediary protocol to a second protocol” and “said proxy object issuing said method call to a method using said second protocol” in the specification as filed.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent NO. 6,480,901 to Weber [cited in the previous office action].**

8. As claim 1, Weber teaches a method for remote inter-language method calling [a protocol converter for converting communication messages directed from the device management application program to the managed device from the first communication protocol to the second communication protocol; col. 3, lines 1 – 13] comprising:

creating a proxy object [RPC conversion agent 522 is to support remote procedure call (RPC) traffic between the management interface application program 518 running on management station 510 and a proxy attached storage controller 506; col. 10, lines 18 - 54];

issuing a method call to the proxy object [RPC conversion agent 522 preferably is configured to receive RPC commands from a management interface application program 518; col. 10, lines 18 – 54] using a first protocol [first communication protocol is remote procedure call; col. 3, lines 1 – 15];

the proxy object translating the method call from the first protocol to an intermediary [UTM format] protocol [RPC conversion agent 522 in server 508 converts

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the RPC commands to the UTM format before communicating with controller 506; col. 12, lines 1 – 54];

the proxy object translating the method call from the intermediary protocol to a second protocol [UTM-to-internal-messaging component 536 preferably converts the UTM packets to packets and commands which can be understood by management protocol 528; col. 12, lines 1 – 54];

the proxy object issuing the method call to a method using the second protocol [RPC conversion agent 522 and UTM-to-internal-messaging component 526 effectively convert the RPC commands from management interface application 518 to the management protocol 528 format; col. 12, lines 40 – 50; col. 22, lines 5 – 39].

9. As to claim 6, this is a system claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meets this system claim.

10. As to claims 11, this is a product claim that corresponds to method claim 1; note the rejection to claim 1 above, which also meet this product claim.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 3, 5, 8, 10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of "A zero generated code XPConnect proposal" [hereinafter Bandhauer, cited in the previous office action].**

13. As to claims 3 and 5, Weber does not specifically identify the first and second protocols.

14. However, Bandhauer teaches XPConnect glue that enables JavaScript code [first protocol] to call across XPCOM [second protocol] interfaces into C++ objects and also C++ code to call across XPCOM interfaces into JavaScript objects [p.1, Introduction].

15. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the teaching of providing a XPConnect glue that enables JavaScript code to call across XPCOM interfaces as taught by Bandhauer to the invention of Weber because this permits software reuse by allowing programs that support newer protocols such as XPCOM to communicate with programs that support older protocols such as JavaScript.

16. As to claims 8 and 10, these are system claims that correspond to method claims 3 and 5; note the rejections to claims 3 and 5 above, which also meet these system claims.

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17. As to claims 13 and 15, these are product claims that correspond to method claims 3 and 5; note the rejections to claims 3 and 5 above, which also meet these product claims.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,874,086 to Gu et al. teaches communication information between programs employing different protocols.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2194

lbz  
August 11, 2005

  
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